Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/841,328	SORENSEN, GRAIG WILLIAM
	Examiner	Art Unit	
	Gary Au	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

1.   Applicant's arguments with respect to claims 1 and 9 have been considered but

are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,449,739 (Landan) and further in view of US Patent No. 6,449,653 Klemets

et al. (Klemets) and US Patent No. 5,812,780 Chen et al. (Chen).

Considering claims 1 and 9, Landan teaches an electronic storage media,

readable by a computer, which stores a program that directs a computer to perform a

method of testing a server for a system (transactional server 30 – figure 1, col. 5 lines 2-

11); said method including the steps of:

displaying, on a visual monitor connected to a computer (controller 34 – figure 1,

col. 5 lines 40-44), a set of buttons for selecting one of several simulated control

terminals on said system and for selecting one of several commands (figure 5 and 7,

col. 10 lines 1-6, 57-67);

choosing one particular simulated control terminal and one particular command by pointing a cursor and clicking, via a mouse, on particular buttons that are displayed (col. 6 lines 3-20);

generating output signals, from said computer in response to said choosing step, which represent an identifier (figure 7 and 8, col. 10 lines 57-67) for said one particular simulated control terminal (col. 5 lines 58-64); and,

coupling said output signals to said server for processing therein (col. 5 lines 58-64).

Landan does not teach the server is a video server, the system is a video-on-demand system, and the commands are VCR-like commands.

In an analogous art, Klemets teaches a video-on-demand system with a video server (having VCR-like commands – figures 2 and 6, col. 4 lines 36-54, col. 9 lines 8-17), for the benefit of receiving user requested video over which the user has the full control of playback.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Landan to include the server is a video server, and the system is a video-on-demand system with VCR commands as taught by Klemets, for the advantage of receiving user requested video over which the user has the full control of playback such as pause, rewind, and fast forward.

However, the combined system of Landan and Klemets do not teach storing, in a single computer, a representation of multiple simulated control terminals for said video server

In another analogous art, Chen teaches storing, in a single computer, a representation of multiple simulated control terminals for said video server (Simulated client 40 – figure 3B, col. 8 lines 51-65).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Landan and Klemets to include storing, in a single computer, a representation of multiple simulated control terminals for said video server, as taught by Chen, for the advantage of simulating the behavior of multiple users operating client software (Chen, col. 1 lines 8-15).

Considering claims 2 and 10, Landan and Klemets teach the method and electronic storage media of claims 1 and 9 wherein said choosing step includes a first substep of choosing said one particular simulated control terminal (Landan – figure 5, col. 10 lines 1-6), followed by a second substep of choosing said one particular VCR-like command (Klemets – figure 6, col. 9 lines 8-17); and wherein, said generating step occurs automatically in response to said second substep (Landan - col. 10 lines 57-61).

Considering claims 3 and 11, Klemets further teach a method and electronic storage media of claims 2 and 10 and further including the step of incorporating additional VCR-like commands, from said one particular simulated control terminal, into said output signals from said computer by repeating said second substep without said first substep, once for each additional command (Klemets – col. 9 lines 8-17).

Considering claim 4, Landan further teach a method according to claim 3 said first substep is performed by clicking via said mouse on buttons which sequentially change an identifier, on said monitor, for all of said simulated control terminals until said one particular simulated control terminal is identified (Landan - col. 10 lines 1-6).

Considering claim 5, Landan and Klemets teach a method of claim 1 wherein said output signals are passed, by said coupling step, directly to said video server (Landan - col. 5 lines 58-64 and video server is disclosed by Klemets, Klemets – col. 4 lines 36-54).

Considering claim 6, Landan and Klemets teach a method according to claim 1 wherein said output signals are passed, by said coupling step, through a signal transformer which performs predetermined transformation on said output signals and sends the results to said video server (this is an inherent step as output signal is passed from a first computer to a second computer must first be formatted into a transmission protocol, Landan, col. 4 lines 53-62 and video server is disclosed by Klemets, Klemets – col. 4 lines 36-54).

Considering claim 7, Klemets further teach a method according to claim 1 wherein said displaying step displays buttons on said monitor for choosing a movie (col. 7 lines 28-37) as well as playing, pausing, skipping forward, skipping backwards,

stopping (figure 6, col. 9 lines 8-17) and unloading the selected movie (figure 6, user

clicks on the upper right corner close button).

Considering claim 8, Chen further teaches a method according to claim 1

wherein said displaying step displays buttons on said monitor for choosing said one

particular simulated control terminal from a set of simulated control terminals but failed

to disclose at least one-hundred simulated control terminals (figure 4, col. 9 lines 19-

25).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600